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### **REMARKS**

Claims 12-17 are now pending, with Claim 12 being the sole independent claim.

Claims 1-11 have been cancelled without prejudice to or disclaimer of the subject matter recited therein.

Claims 12-17 have been added. Support for these added claims can be found at least in the claims as originally filed and throughout the specification. Support for the use of the term "Clustal method of alignment" in Claim 12 is found at least in the paragraph beginning on line 14 of page 5 of the specification.

The specification has been amended in the opening paragraph to update the benefit claim to reflect now a granted patent in the parent application to which benefit has been timely made. No petition or fee is therefore due. No new matter has been added.

### **RESPONSE TO RESTRICTION REQUIREMENT**

Applicants hereby elect, with traverse, the subject matter of Invention IV, Claims 1-5, 10 and 11, drawn to a nucleic acid. This election is made subject to Applicants' right to pursue the non-elected subject matter in a divisional application or applications pursuant to 35 U.S.C. §121.

Invention IV includes the subject matter drawn to SEQ ID NO:7 or SEQ ID NO:8. SEQ ID NO:8 is an amino acid sequence encoded by nucleotides 32-1432 of SEQ ID NO:7. Applicants note that there is an ATG codon at position 32-34 and the termination codon is at position 1430-1432 (TGA). The start methionine in SEQ ID NO:8 can be found at position 1.

Applicants respectfully submit that now pending Claims 12-17 are directed to the subject matter of Invention IV.

Reconsideration of the Restriction Requirement is respectfully requested. Applicants respectfully submit that the subject matter of Invention XIV, Claim 7, which is drawn to a method of altering the level of expression of sulfate assimilation protein, may be properly rejoined with the nucleic acid claims of Invention IV if such claims are found to be allowable.

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Please charge any fees or credit any overpayment of fees which are required in connection with the filing of this Preliminary Amendment and Response to Restriction Requirement to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Allowance of the above-referenced application is respectfully requested in view of the foregoing.

Respectfully submitted,

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Dated: February 9, 2006